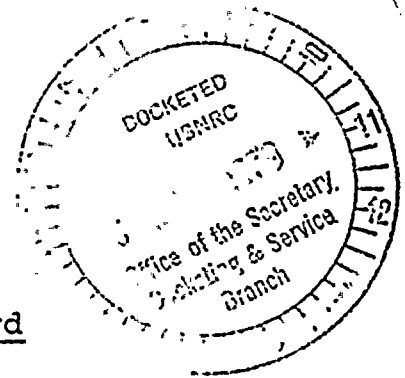


7/12/79

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
PENNSYLVANIA POWER AND LIGHT CO.. )  
and )  
ALLEGHENY ELECTRIC COOPERATIVE, INC. )  
 )  
(Susquehanna Steam Electric Station, )  
Units 1 and 2) )

Docket Nos. 50-387  
50-388

APPLICANTS' ANSWER TO "MOTION OF COLLEEN MARSH ET AL  
FOR REVISION OF PRELIMINARY TIMETABLE AND EXTENSION  
OF TIME WITHIN WHICH TO POSE AND ANSWER FIRST ROUND  
DISCOVERY REQUESTS" AND MOTION TO COMPEL DISCOVERY

In a filing served on June 28, 1979, intervenor Colleen Marsh, et al. (Marsh) requested that the Board review the licensing timetable set forth in its Special Prehearing Conference Order by delaying all dates for a period of at least six months to one year. Additionally, Marsh requests that the Board provide her with at least an additional six months to one year in which to present first round discovery requests to Applicants and the NRC Staff and to respond to Applicants' and NRC staff discovery requests.

For the reasons set forth below, Applicants oppose the Marsh motion and request that the Board issue an order pursuant to 10 CFR §2.740(f) compelling Marsh to respond to "Applicants' First Set of Interrogatories to Intervenor Colleen Marsh" and "Applicants' First Request to Intervenor Colleen Marsh for Production of Documents", both dated May 25, 1979, within ten (10) days from the date of issuance of such order by the Board.

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Applicants respectfully submit that none of the arguments set forth in the Marsh motion justify any changes in the discovery schedule established in the March 6, 1979 Special Prehearing Conference Order. First, Marsh argues that the Board established a discovery timetable without obtaining input or advice from the intervenors. See Motion at 1. At the Special Prehearing Conference Applicants made several suggestions for a discovery schedule. See Tr. at 361-365. Other parties had the opportunity to comment on Applicants' suggestions, and intervenor Environmental Coalition on Nuclear Power did in fact seek clarification regarding Applicants' suggestions. See Tr. at 364-365. Marsh was free to comment on Applicants' proposal during the several weeks between the Special Prehearing Conference and the Licensing Board's March 6, 1979 Order. Thus, Marsh had ample opportunity to comment on the schedule.

Second, Marsh suggests that the lack of financial resources justifies the schedule changes. See Motion at 1. In response to an earlier request for financial assistance by Marsh and other intervenors, the Board ruled, based upon established Commission precedent, that financial assistance would not be granted. Special Prehearing Conference Order, pp. 76-77. Since the purpose of Applicants' discovery requests was to ascertain the basis for the contentions in this proceeding and to learn more about the information which Marsh may now have concerning these contentions, Marsh's financial resources should not hinder a response to Applicants' discovery request. To the extent that the intervenor does not presently have information on certain of Applicants' discovery requests, she need only so state.

Third, Marsh argues that the discovery process must be delayed and broadened to consider the ongoing activities to assess the Three Mile Island accident. See Motion at 1. This argument overlooks the fact that most if not all of the contentions admitted in this proceeding are unrelated to the Three Mile Island accident. Should there be additional contentions addressed to Three Mile Island, appropriate schedule provisions would be made as to those issues.

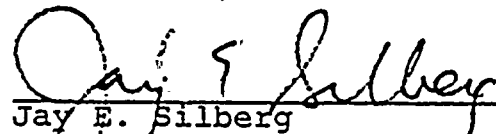
Applicants' discovery is intended to determine whether Marsh is aware of any new information or any information which is inconsistent with that known to Applicants. Without such knowledge, Applicants cannot know which issues need to be addressed at the evidentiary hearings. Marsh's answers will help define the areas of dispute between the parties and avoid the needless wasting of time litigating issues over which there is no dispute.

Since, as Applicants have shown above, the Marsh motion does not justify a change in the schedule established by the Board for discovery and since Marsh has failed to respond or object to Applicants' May 25, 1979 discovery requests (other than by the June 28, 1979 motion) an order compelling discovery pursuant to 10 CFR §2.740(f) is appropriate. Applicants respectfully request that Marsh's motion be denied and that discovery be compelled.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By



Jay E. Silberg  
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Dated: July 12, 1979

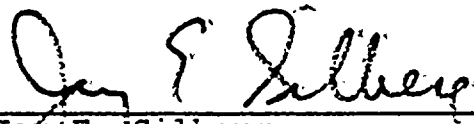
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 and ) Docket Nos. 50-387  
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 )  
(Susquehanna Steam Electric Station, )  
Units 1 and 2) )

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Answer to 'Motion of Colleen Marsh et al for Revision of Preliminary Timetable and Extension of Time Within Which to Pose and Answer First Round Discovery Requests' and Motion to Compel Discovery" were served by deposit in the U.S. Mail, first class, postage prepaid, this 12th day of July, 1979, to all those on the attached Service List.

  
\_\_\_\_\_  
Jay E. Silberg

Dated: July 12, 1979

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

in the Matter of )

PENNSYLVANIA POWER & LIGHT COMPANY )  
and )  
ALLEGHENY ELECTRIC COOPERATIVE, INC. )  
Susquehanna Steam Electric Station, )  
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Docket Nos. 50-387  
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